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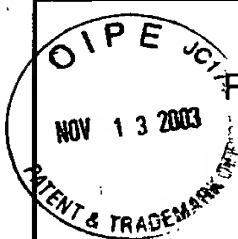
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/987,023	
	Filing Date	November 13, 2001	
	First Named Inventor	Ruey J. YU, et al.	
	Group Art Unit	1616	
	Examiner Name	Shelley Dodson	
Total Number of Pages in This Submission	7	Attorney Docket Number	59210.000031

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Other: _____
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	HUNTON & WILLIAMS Scott F. Yarnell, Reg. No. 45,245
Signature	
Date	November 13, 2003

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FEE TRANSMITTAL

Complete If Known

Application No.	090/987,023
Filing Date	November 13, 2001
First Named Inventor	Ruey J. YU, et al.
Examiner Name	Shelley Dodson
Group Art Unit	1616

Total Amount Of Payment (\$)**110.00**

Attorney Docket No. 59210.000031

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FEE CALCULATION

1. **BASIC FILING FEE** ☐ Large Entity ☐ Small Entity

FEE PAID

Utility Filing Fee	\$
Design Filing Fee	\$
Plant Filing Fee	\$
Reissue Filing Fee	\$
Provisional Filing Fee	\$

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Description	Fee Paid
<input type="checkbox"/> Surcharge - late filing fee or oath	\$
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<input type="checkbox"/> Recording Each Patent Assignment Per Property	\$
<input type="checkbox"/> Filing Request for Reexamination	\$
<input checked="" type="checkbox"/> Other (specify) <u>Terminal Disclaimer Under 37 C.F.R. §1.132</u>	\$ 110.00

2. EXTRA CLAIMS FEES

CLAIMS AS AMENDED

For	Number Present	Highest Number Paid For	Extra	Rate		Amount
				Large Entity	Small Entity	
TOTAL CLAIMS		20	0	x \$ 18.00	x \$ 9.00	\$ 0.00
INDEPENDENT CLAIMS		3	0	x \$ 86.00	x \$ 43.00	\$ 0.00
MULTIPLE DEPENDENT CLAIMS				\$ 290.00	\$ 145.00	\$ 0.00
TOTAL EXTRA CLAIMS FEES						\$ 0.00

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name Scott F. Yarnell

Registration No. 45,245

Signature

Scott F. Yarnell

Date

November 13, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:)	
)	
Ruey J. YU, <i>et al.</i>)	Examiner: Shelley Dodson
)	
Serial No.: 09/987,023)	Group Art No.: 1616
)	
Filed: November 13, 2001)	Confirmation No. 6598

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ACIDS AND THEIR TOPICAL USE

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**REQUEST FOR RECONSIDERATION
PURSUANT TO 37 C.F.R. § 1.132**

Sir:

In response to the Office Action dated August 13, 2003, applicants respectfully request reconsideration of claims 111-158 in light of the following remarks.

On pages 2 and 3 of the Action, claims 111-158 are rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,335,023 ("the '023 patent"). Applicants attach hereto a Terminal Disclaimer thereby obviating this rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

On pages 3-5 of the Action, the Action alleges that the '023 patent qualifies as prior art under 35 U.S.C. §103. The Action further states that applicants may overcome the reference either by a showing under 37 C.F.R. §1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the reference under 37 C.F.R. §1.131.

The present application claims priority as a continuation application of the application (09/487,228) that matured into the '023 patent. Consequently, the '023 patent is not prior art to the present claims since they both have the same filing date. Applicants believe that this is sufficient evidence to overcome the '023 patent.

In view of the foregoing, the pending claims are in condition for allowance. Applicants earnestly solicit an early notice to this effect. Should there be any questions concerning this application, Examiner Dodson is courteously invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

HUNTON & WILLIAMS

By:



Patrick A. Doody
Registration No. 35,022

Dated: 11/13/03

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